

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., January 10, 2006

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the December 20, 2005 regular meeting

AWARDS AND PROCLAMATIONS

- **Proclamations:**
60th Anniversary Year of Maude Carpenter Children's Home.
- **Distinguished Service Citations.**

PUBLIC AGENDA

1. **Progress Report on Piatt Memorial Park Project and announcement of groundbreaking for park monument-Dr. Carla A. Lee.**

CONSENT AGENDA

2. **Report of the Board of Bids and Contracts Dated January 9, 2006.**

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

3. Application for Licenses:

Robert Floyd Amour Gift Shop dba: Priscilla's 2606 S. Rock Road #100

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

Renewal Escort Service:

Jessica Espinoza A Absolute 10 2415 South Glendale

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

4. Applications for Licenses to Retail Cereal Malt Beverages:

Renewal 2006 (Consumption on Premises)

Kathleen Johnson Godfather's Pizza, Inc. 2106 North Amidon

Renewal 2006 (Consumption off Premises)

Keith Dang	C&C Store	1131 East 47 th Street South
Robin E. Forbis	Wal-Mart Supercenter #1221	6110 West Kellogg
Lethanti T. Le	Broadway Supermarket	1336 North Broadway
Saeed Mansouri	Jump Start Conoco	3805 West 21 st Street
Jay A. Johnson	Johnson's General Stores, Inc. #06	1003 South Seneca
Kenny Nguyen	PP Station`	2601 North Broadway

New Operator 2006 (Consumption on Premises)

Douglas R. Kupper	Arthur B. Nim Municipal Golf Course*	2020 West Murdock
Douglas R. Kupper	Tex Consolver Municipal Golf Course*	1931 South Tyler Road
Onesy Youthsavath	Buffet Delight, Inc.	3205 East 31 st Street South

New Operator 2006 (Consumption off Premises)

Kimberly Dinh KD Kwik Shop 10409 West Maple Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

5. Preliminary Estimates:

- a) Greenwich Road Improvement from 13th to 27th Street North. (87N-0369-01/472-84274/706929/205395) Traffic to be carried thru construction. (District II) - \$6,548,280.00
- b) Oliver Street Bridge over Gypsum Creek: Rehabilitate existing bridge and rebuild sidewalks on both sides. Install gabion wall on south side and riprap on north side of Gypsum Creek. (87N-0247-01/472-84184/715703/245119) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$1,084,474.00
- c) Lateral 314, Four Mile Creek Sewer to serve Equestrian Estates Addition - south of Harry, east of 127th St. East (468-83318/744155/480843) does not affect existing traffic. (District II) - \$225,000.00
- d) Parkdale from the south line of Lot 20, Block 1, to the south right-of-way line of 29th Street North; Parkdale Courts (4) to and including the cul-de-sacs; Sidewalk to be constructed on the east side of Parkdale to serve Evergreen 5th Addition - south of 29th Street North, west of Maize. (472-84103/765966/490081) Does not affect existing traffic. (District V) - \$417,600.00
- e) Fawn Grove, from the west line of Lot 65, Block 2, to the east line of Lot 30, Block 2; Smithmoor/Smithmoor Circle from the south line of Fawn Grove at Sunset Lakes Addition to and including the cul-de-sac (Lots 30 through 47, Block 2); Chateau Circle, from the north line of Fawn Grove to and including the cul-de-sac (Lot 48 through 65, Block 2) to serve Fawn Grove at Sunset Lakes Addition - south of Kellogg, west of Greenwich. (472-84285/765965/490080) Does not affect existing traffic. (District II) - \$291,000.00
- f) Stafford, from the north line of Pawnee to the east property line of Lot 9, Block 6; Stoneybrook from the north line of Stafford to a point approximately 100 feet north; Stafford Court, from the north line of Stafford to and including the cul-de-sac (Lots 1 through 7, Block 7); Stafford Court, from the east line of Stafford to and including the cul-de-sac (Lots 13 through 24, Block 6) to serve Brentwood South Addition to serve Brentwood South Addition - east of Webb, north of Pawnee. (472-84270/765957/490070) Does not affect existing traffic. (District II) - \$326,000.00
- g) Asphalt Mat Paving Improvements on 37th Street North from Maize Road to a point 1,300 feet west of Maize Road to serve Prairie Pointe Addition - along 37th Street North, west of Maize. (472-84044/765959/490073) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$108,000.00
- h) 2005 Contract Maintenance Concrete Repairs Drainage Hotspots, Phase 2 - north of MacArthur, west of 119th Street West. (472-84330/131532/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III, IV, VI) - \$162,709.30
- i) 2006 Utility Cut Repair of Streets, Driveways and Sidewalks - north of 71st Street South, east of 167th Street West. (472-84340/132035/620447/_/665567) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V, VI) - \$1,718,000.00
- j) The cost of construction of Water Distribution System to serve Regency Park Third Addition, south of 29th Street
- k) North, west of Greenwich. (District II) 448-90089/735265/470-936-Total estimated cost \$25,900.00.

RECOMMENDED ACTION: Receive and file.

6. Petitions for Public Improvements:

- a) Construct a Sanitary Sewer in Highland Springs Third Addition, south of Central, west of 135th Street West. (District V)
- b) Construct a Storm Water Drain for Falcon Falls Second, Third and Commercial Additions, north of 45th Street North, west of Hillside. (District I)
- c) Construct Paving and Water Improvements in Krug North Second Addition, north of 21st Street, west of 143rd Street East. (District II)
- d) Construct Sanitary Sewer and Water Improvements in Pearson Farms Third Addition, south of 21st Street, west of Maize. (District V)
- e) Construct Paving, Sanitary Sewer and Water Improvements in Country Hollow Addition, south of Kellogg, east of 127th Street East. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

7. Consideration of Street Closures/Uses.

37th Street North from Maize Road to 1300 feet west of Maize Road. (District V)

RECOMMENDED ACTION: Approve the street closures.

8. Agreements/Contracts:

- a) Agreement with Chisholm Creek Condominiums HOA for waiver of penalties and interest on unpaid special assessments.
- b) Municipal Court Interactive Voice Response (IVR) System
- c) Contract with Hardlines Design Company for Historic Dunbar Theater Reuse Feasibility/Implementation Plan. (District I)
- d) North Area Sanitary Sewer-Supplemental Agreement. (District VI)
- e) Greenwich Road, between 13th and K-96 Freeway-supplemental. (District II)
- f) Intersection of 13th and Broadway-supplemental. (District VI)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

9. Design Services Agreements

- a) Auburn Hills 16th Addition, south of Maple, east of 151st Street West. (District V)
- b) Falcon Falls Second and Third Addition, Falcon Falls Commercial Addition, north of 45th Street North, west of Hillside. (District I)
- c) Fontana and Fontana Second Additions, east of 119th Street West, north of 29th Street North. (District V)
- d) Supplemental Design Agreement for River Corridor Improvement. (District VI)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

10. Change Order-Hydraulic Improvement, 57th Street South to 47th Street South. (District III)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

11. Contracts and Agreements for December 2005.

RECOMMENDED ACTION: Receive and file.

12. Property Acquisitions:

- a) Utility Easement for the North Area Sewer Project. (District V)
- b) Easement across a portion of 777 West Central in conjunction with the River Corridor Improvement Project. (District VI)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

13. Sidewalk Repair and Sidewalk Cleaning Assessment Program. (Districts I, II, III, IV, V)

RECOMMENDED ACTION; Approve the proposed assessments and place the ordinance on first reading.

14. Interim Funding for Convention and Visitors Bureau.

RECOMMENDED ACTION; Approve the allocation from the C & T Fund and Authorize the necessary signatures.

(Item 15)

15. Equus Beds Aquifer Storage and Recovery Project. (District I)

RECOMMENDED ACTION: *1) Approve the initial Contract with the CAS Construction/ CDM team to complete a 30-percent design of the 7 MGD Surface Water Treatment Plant; 2) authorize Staff to negotiate a final Contract and Guaranteed Maximum Price for the project not to exceed \$14,800,000; and 3) authorize the necessary signatures.*

16. Lincoln Park Improvements. (District I)

RECOMMENDED ACTION: 1) Adopt the bonding resolution; 2) authorize initiation of the project; 3) authorize the necessary signatures.

17. Century II Key and Lock System. (District I)

RECOMMENDED ACTION: 1) Adopt the bonding resolution; 2) authorize initiation of the project; 3) authorize the necessary signatures.

18. Century II Stage Equipment Renovation/Replacement. (District I)

RECOMMENDED ACTION: 1) Adopt the bonding resolution; 2) authorize initiation of the project; and 3) authorize the necessary signatures.

19. Planeview Park Improvements. (District III)

RECOMMENDED ACTION: 1) Adopt the bonding resolutions; 2) authorize initiation of the project; and 3) authorize the necessary signatures.

20. Extension of Letter of Intent for Industrial Revenue Bonds, Prairie Villa at Beacon Hill, L.C. (District I)

RECOMMENDED ACTION: Approve the extension of the Letter of Intent to Prairie Villa at Beacon Hill, L.C. for Industrial Revenue Bonds in an amount not-to-exceed \$4,700,000 for a period ending August 15, 2006.

21. Northeast Sports Complex. (District II)

RECOMMENDED ACTION: 1) Adopt the bonding resolution; 2) authorize initiation of the project and 3) authorize the necessary signatures.

22. Repair or Removal of Dangerous and Unsafe Structure. (District I)

Property Address:

a) 1155 North Spruce

Council District:

I

RECOMMENDED ACTION: Adopt the resolution to schedule a hearing and
Place this matter on the agenda for a Hearing
Before the Governing Body on March 7, 2006 at
9:30 a.m. or soon thereafter.

23. Second Reading Ordinances: (First read December 20, 2005)

a) Abatement of Dangerous and Unsafe Structures. (District I, II, III, IV & VI)

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (building condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas.

b) General Obligation Temporary Notes.

An ordinance authorizing and providing for the issuance of General Obligation Improvement Temporary Notes, Series 216, of the City of Wichita, Kansas, in the total principal amount of \$5,928,000 for the purpose of providing the necessary funds for the interim financing of costs in connection with certain capital improvements in the City; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto.

c) Tax Exemption Request, JR Custom Metal Products, Inc. (District IV)

An Ordinance exempting property from Ad Valorem Taxation for Economic Development Purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of JR Custom Metals Products, Inc., so exempted.

d) Economic Development Incentives Agreement for Integra Technologies LLC. (District II)

An Ordinance of the City of Wichita, Kansas, authorizing; prescribing the form and authorizing the execution of a forgivable loan agreement and promissory note by and between Integra Technologies, LLC. and the City Of Wichita, Kansas.

e) PUD 2005-03-Plat of Waterwalk Phase I Addition, located north of Kellogg and west of Broadway.
(District I)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21. (PUD 2005-03)

RECOMMENDED ACTION: Adopt Ordinances.

UNFINISHED BUSINESS

24. DR2004-10-Proposed Amendments to the Wichita-Sedgwick County Subdivision Regulation, utility easements.
(Deferred December 13, 2005)

RECOMMENDED ACTION: Approve the amendments to the Wichita-Sedgwick County Subdivision Regulations as recommended by the Metropolitan Area Planning Commission and place the ordinance on first reading.

25. Management of Ice Center. (District IV)

RECOMMENDED ACTION: Authorize the reallocation of the Wichita Ice Center 2006 adopted budget and authorize the continued management and daily operation of the facility by the Park and Recreation Department until such time a permanent management agreement has been approved by City Council.

NEW BUSINESS

26. Management Services for Wichita Ice Center. (District IV)

Canlan Ice Sports managed the Wichita Ice Center until August 2005. The City of Wichita severed its management agreement with this company and initiated a Request for Proposals for management services for the Ice Center. The Ice Center has not been profitable since 2003 and proposers are being asked to share strategies for returning this facility to profitability.

RECOMMENDED ACTION: Select Rink Management Corporation as the preferred management company and authorize staff to negotiate a contract with this firm and return the contract to the City Council for its consideration.

27. General Obligation Bond and Note Sale.

The City is offering for sale one series of general obligation temporary notes totaling \$56,370,000 (Series 215), two series of general obligation bonds (Series 784 and 785) totaling \$26,105,000 for the purpose of providing permanent financing for capital improvement projects of the City.

RECOMMENDED ACTION: 1) direct the opening and reading of the bids; 2) award the sale of the Bonds and Temporary Notes; and 3) find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond and Note Ordinances on the date of their introduction, adopt the Bond and Note Ordinances and Resolutions and authorize the publication thereof.

28. Extension of IRB Tax Exemption, The Coleman Company. (District I)

On June 14, 2005, City Council reviewed the second five-year exemption for Coleman's 1999 Industrial Revenue Bonds and approved a one-year extension, subject to further review of job creation.

RECOMMENDED ACTION: Deny the tax exemption on the Coleman Company's 1999 and 2000 IRB-financed property for the second five-year period.

29. Amnesty Program.

To encourage citizens to voluntarily resolve outstanding warrants, Municipal Court is proposing to host an Amnesty Week during the week of February 13-17, 2006.

RECOMMENDED ACTION: Approve the budget transfer of up to \$60,000 from the Municipal Court budget or the General Fund Reserves to fund the Amnesty Program and adopt the Resolution as recommended.

30. 29th Street North Improvement, from Tyler to Ridge. (District V)

On December 14, 2004, the City Council approved a project to improve 29th Street North, from Tyler to Ridge. An attempt to award a construction contract within the budget approved by the City Council was not successful. An amending Ordinance has been prepared to increase the project budget.

RECOMMENDED ACTION: Approve the revised project budget and place the amending Ordinance on first reading.

31. Central and Oliver Intersection Improvement. (Districts I and II)

The 2005-2014 Capital Improvement Program (CIP) includes a project that has been approved by the City Council to improve Central between Oliver and Woodlawn. The project is scheduled for letting this year.

RECOMMENDED ACTION: Approve the project; place the ordinance on first reading and authorize the signing of State/Federal agreements as required.

32. Pawnee Improvement, between 119th Street West and Maize. (District IV)

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve Pawnee, between 119th Street West and Maize. District IV Advisory Board sponsored an August 3, 2005, neighborhood hearing on the project. The Board voted 7 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project; place the ordinance on first reading and authorize the signing of State/Federal agreements as required.

33. Pawnee Improvement between Meridian and Seneca. (District IV)

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve Pawnee, between Meridian and Seneca. District IV Advisory Board sponsored an August 3, 2005 neighborhood hearing on the project. The Board voted 7 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project; place the ordinance of first reading and authorize the signing of State/Federal agreements as required.

34. Petition to construct a Water Distribution System for Blue Sky Addition and part of Iseminger Addition, north of Douglas, west of West Street. (District IV)

The signature on the petition represents 1 or 4 (25%) resident owners and 81.4% of the improvement district area. District IV Advisory Board sponsored a December 7, 2005 neighborhood hearing on the project. The Board voted 8 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the Petition; adopt the resolution and authorize the necessary signatures.

35. Petition to pave Nevada Circle, north of Douglas. (District IV)

The signature on the Petition represents 1 of 4 (25%) resident owners and 81.4% of the improvement district area. District IV Advisory Board sponsored a December 7, 2005 neighborhood hearing on the project. The Board voted 8 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the petition; adopt the resolution and authorize the necessary signatures.

36. Amendment to SBA Microloan Agreement.

On December 16, 2003, the City Council approved the SBA Microloan Agreement made between the City of Wichita and South Central Kansas Economic Development District (SCKEDD). The City provided funding in the amount of \$50,000 that was utilized to pay for the SBA required Loan Loss Reserve for the SCKEDD Microloan Program.

RECOMMENDED ACTION: Approve the transfer of funds and place on first reading the ordinance to approve the contract amendment and authorize the necessary signatures.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

37. *DR2005-15-Request for a Street Name Change from 31st Street North to Toben, located on the west side of Webb Road and south of 37th Street North. (District II)

RECOMMENDED ACTION: Approve the street name change as recommended by the Planning Commission and place the Ordinance on first reading.

38. *DED2005-27-Partial Dedication of Access Control for property located on the west side of Maize Road and south of Maple. (District V)

RECOMMENDED ACTION: Accept the dedication.

39. *DED2005-28 & DED2005-29-Dedication of a Utility Easement and DED2005-29 Dedication of a drainage easement for property located north of Kellogg and west of Ridge Road. (District V)

RECOMMENDED ACTION: Accept the dedications.

40. *DR2005-00023-Zone Change from Limited Industrial to Central Business District. Generally located between St. Francis Avenue, William Street, BNSF railroad right-of-way, one-half block east of Commerce Street and Kellogg. (District I)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change and place the ordinance establishing the zone change on first reading; or
2) Return the application to the MAPC for reconsideration.

41. *DR2005-00024-Zone Change from Limited Industrial and General Commercial to Central Business District for an area generally bounded by a line beginning at the intersection of Washington Avenue and Second Street North, thence east along Second Street North to I-135, thence south along the west right of way to the southern boundary of the Kansas Food Bank Warehouse Addition, thence west on said boundary to Minneapolis Street, thence north to an east/west alley, thence west along said alley to Kansas Avenue, thence south to an east/west alley, thence west to Hydraulic, thence south along Hydraulic Avenue to Waterman Street, thence west along Waterman to the BNSF railroad right-of-way, thence north to Douglas Avenue, thence east to Washington Avenue, and thence north to the point of beginning. (District I)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change and place the ordinance establishing the zone change on first reading; or
2) Return the application to the MAPC for reconsideration.

42. *DR2005-00033-Zone Change from Limited Industrial to Central Business District for an area beginning at the intersection of Waterman Street and Washington Avenue, thence south on Washington Avenue to Kellogg, thence west on Kellogg approximately 750 feet to the boundary of the BNSF railroad right-of-way/terminal, thence north to Waterman Street, and thence east to Washington Avenue. (District I)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change and place the ordinance establishing the zone change on first reading; or
2) Return the application to the MAPC for reconsideration.

43. *ZON2005-00050-Zone Change from Two-family Residential, Single-family Residential and General Office to Limited Commercial, with a Protective Overlay. Generally located south of 31st Street South, west of Seneca Avenue, on the north side of 32nd Street North and east of the Exposition Drive. (District IV)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to the additional provisions of Protective Overlay District #165; instruct the Planning Department to forward the ordinance for first reading when the required dedications and covenant have been provided to staff; or
2) Return the application to the MAPC for reconsideration.

44. *HUD EDI Grant Agreement for facility construction associated with the Mercado and the development of the 21st Street Community Development Corporation. (District VI)

RECOMMENDED ACTION: Approve the HUD EDI grant agreement and authorize the necessary signatures.

45. *A06-01R-Request by Gaylan W. Mett, Jr. of SNAR, L.L.C., to annex land generally located southwest of the intersection of 29th Street North and West Street. (District V)

RECOMMENDED ACTION: Approve the annexation request and place the Ordinance on first reading.

46. *A06-02R-Request by Rob Ramseyer of Ritchie Development Corporation, to annex land generally located to the south of 29th Street North, between Greenwich Road and 127th Street East. (District II)

RECOMMENDED ACTION: Approve the annexation request and place the Ordinance on first reading.

47. *VAC2004-00024-Request to vacate a platted utility easement, generally located southwest of 21st Street North and Webb Road. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

48. *VAC2005-00041-Request to vacate the platlor's text to allow additional uses in a platted reserve, vacate a portion of the reserve and vacate a portion of a platted utility easement, generally located midway between Central Avenue and 13th Street North, west of Webb Road, more specifically southeast of Gatewood and Autumn Chase Streets. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

*Consent items

49. *Supplemental Agreement No. 1-Air Midwest, Inc., Use of Facility.

RECOMMENDED ACTION: Approve the supplemental agreement No. 1 and authorize the necessary signatures.

50. *Airparts Company-S.A. No. 10.

RECOMMENDED ACTION: Approve the supplemental agreement and authorize the necessary signatures.

51. *FAA Master Site Lease-Colonel James Jabara Airport, lease number DTFACE-06-00021.

RECOMMENDED ACTION: Approve the Master Site Lease renewal for Colonel James Jabara Airport and authorize the necessary signatures.

CITY COUNCIL

52. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

53. Approval of travel expenses for City Council to attend City Hall Day at the Capital in Topeka, January 25-26, 2006.

RECOMMENDED ACTION: Approve the expenditures.

54. Approval of travel expenses for Mayor to attend the U.S. Conference of Mayors 74th Annual Winter Meeting in Washington, DC, January 24-27, 2006.

RECOMMENDED ACTION: Approve the expenditures.

55. Approval of travel expenses for Council Members to attend the National League of Cities 2006 Congressional City Conference in Washington, DC, March 11-15, 2006.

RECOMMENDED ACTION: Approve the expenditures.

Adjournment

Workshop to follow